

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7472**

**BILL NUMBER:** HB 1828

**NOTE PREPARED:** Mar 4, 2003

**BILL AMENDED:** Feb 27, 2003

**SUBJECT:** Operating a Vehicle While Intoxicated.

**FIRST AUTHOR:** Rep. Bosma

**FIRST SPONSOR:** Sen. Kenley

**BILL STATUS:** As Passed - House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill makes it a Class B felony for a person to operate a motor vehicle while the person has an alcohol concentration in excess of permitted levels or while the person is intoxicated and cause the death of another person.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** (Revised) Under current law, a person who causes the death of another when operating a motor vehicle while intoxicated commits a Class C felony. If the person has had a prior conviction within 5 years, it is a Class B felony.

As proposed, the following criminal sanctions would be imposed by this bill:

<b>Proposed Changes in Statute for Causing Death While Operating While Intoxicated:</b>			
Condition While <u>Causing Death</u>	Penalty Under <u>Current Law</u>	Proposed <u>Penalty</u>	Added Sentence <u>for Offense</u>
With controlled substance in person's body	Class C felony	Class C felony	no change
with elevated concentration in person's body	Class C Felony	Class B Felony	four to twelve years

State expenditures would increase if offenders are incarcerated in state prisons for longer periods of time. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

On average between FY 1997 and 2001, one person a year was committed to a Department of Correction (DOC) facility for the Class B felony noted above and 24 people a year were committed for the Class C felony.

**Explanation of State Revenues:** No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class C or B felonies.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** No additional revenues would be expected since the court fees for Class C and Class B felonies are both \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

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